

10/Reply
Brief
8-3-02
NP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Applicant: Mukherjee

Serial No.: 09/390,154

Filed: September 8, 1999

For: **SYSTEM AND METHOD FOR WEB OR FILE
SYSTEM ASSET MANAGEMENT**

) Art Unit: 2172

) Examiner: Ly

) AM9-99-0080

) July 18, 2002
) 750 B STREET Suite 3120
) San Diego, CA 92101
)
)

REPLY BRIEF

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Commissioner of Patents and Trademarks
Washington, DC 20231

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BOARD OF PATENT APPEALS
AND INTERFERENCES

Dear Sir:

This reply brief is submitted to address new issues raised in the Answer. Specifically, in the Answer, for the first time in the present prosecution the examiner relies on an icon in Astiz et al. taught at col. 10, lines 35-40 in relation to claims 1, 12, and 15. Also, for the first time in prosecution the Answer relies on portions of columns 5, 6, and 8 from Monier. It is hoped that in the future the positions of examiners can be a bit more fully developed at this stage of prosecution (after two Office Actions have already been issued) than has the been the case here.

With respect to the icon of Astiz et al. taught at column 10, lines 35-40, all it indicates is that at the time the map was made, the link was unavailable. Nothing prevents the user from clicking on this icon, however, which would result in being presented with a "file not found" message, in contrast to Claims 1, 12, and 15.

With respect to the newly-cited portions of Monier, col. 5, lines 22-67 simply mentions "fingerprinting" Web pages to indicate such things as whether the page has been fetched and analyzed, and its file location. Nothing about broken links here, much less preventing a "file not found" message.

The entirety of col. 6 of Monier for the first time has also been cited. All this column addresses is what happens if the page has not yet been fetched and fingerprinted (if not, it is fetched and fingerprinted). Column 6 also addresses using a buffer for disk access operations. According to column 6, if a fetch is unsuccessful, all that occurs is setting a flag indicating such. Clicking on the link is still possible, with the attendant possibility of being presented with a "file not found" message if the link indeed is broken. In other words, Monier adds nothing to Astiz et al., and in fact does not appear to go so far as to indicate whether a link is broken apart from setting a flag in a table that is not evidently accessed by a human user, but only by the multi-threaded "Web scooter" of Monier.

Considering newly-cited col. 8, lines 14-67 of Monier, all that is mentioned here is how Web pages can be selected for fetching and analysis (e.g., using page size, last time of fetch, etc. as criteria).

Tellingly, at col. 8, line 66 continuing to col. 9, line 40, Monier does specifically address analyzing "links", but in a way that nowhere envisions recognizing broken links as such, much less preventing a user from being presented with a "file not found" message. Instead, Monier simply determines whether the link under test is already present in the hash table; if not, it is flagged as such. The link could be broken or not, for all Monier knows or cares. Accordingly, combining Monier with Astiz et al. will not result in the claimed invention of Claims 1, 12, and 15, the examiner's continuing mischaracterization of the references notwithstanding.

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PATENT
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The Answer's response to Appellant's arguments regarding Claim 7 are incoherent to the point of incomprehensibility. Appellant is sure that the Examiner means something, Appellant just doesn't know what. Perhaps the Board will have more luck in deciphering it. But to relieve the Board of sorting it out, suffice it to say that despite the Examiner's attempted necromancy with the facts to the contrary, nothing in either reference contemplates automatically backing up a file system or Web server when the linked database is backed up, in contrast to Claim 7.

Respectfully submitted,



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JLR:jg

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Mukherjee)	Art Unit: 2172
)	
Serial No.:	09/390,154)	Examiner: Ly
)	
Filed:	September 3, 1999)	Docket No.: AM9-99-0080
)	
For:	SYSTEM AND METHOD FOR WEB)	July 22, 2002
	OR FILE SYSTEM ASSET MANAGEMENT)	750 B Street, Suite 3120
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)	

TRANSMITTAL LETTER FOR - REPLY BRIEF

Assistant Commissioner for Patents
Washington, DC 20231

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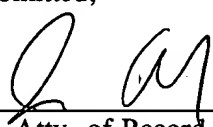
Technology Center 2600

Dear Sir:

In response to the Examiner's Answer dated July 2, 2002, enclosed herewith are the following:

- (1) A reply brief in 3 pages
- (2) An acknowledgment postcard

Respectfully submitted,



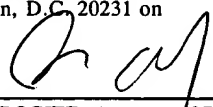
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Enclosures

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service, First Class Mail, postage fully prepaid, under 37 CFR 1.8, addressed to Board of Patent Appeals and Interferences, Assistant Commissioner for Patents, Washington, D.C. 20231 on JULY 22, 2002.

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